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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/658,057 | 09/08/2003 | Naoyuki Sato | SONY-26200 | 5505 |

7590 06/14/2010
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| EXAMINER |
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CHEA, PHILIP J

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| ART UNIT | PAPER NUMBER |
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2453

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| MAIL DATE | DELIVERY MODE |
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06/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/658,057 | Applicant(s) SATO, NAOYUKI | |
| | Examiner PHILIP J. CHEA | Art Unit 2453 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-33 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/15/10</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is in response to an Amendment filed 3/24/10. Claims 1-7,9-33,35-41 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7,9-33,35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 2002/0173981), herein referred to as Stewart, and further in view of Brauel et al. (US 2004/0002343), herein referred to as Brauel, and further in view of Hannah et al. (US 6,618,005), herein referred to as Hannah.

As per claims 33,1,9,14,21,28, Stewart discloses a network of devices, as claimed, comprising:
one or more access points to provide access to an internet site (see Fig. 1A, [120A-120B], *giving PCD [110A-110B], access to internet site [180]*);

one or more internet access systems, each capable of communicating with the one or more access points to access the internet site through one of the access points (see Fig. 1A [110A-110B], *showing internet access systems communicating with the access points to connect to the internet site [180]*);

an apparatus to provide the internet site and capable of being accessed through the one or more access points (see paragraph 35, *showing that the KGL website is comprised on a web server (i.e. apparatus to provide the internet site)*) comprising:

a location table including a plurality of entries each having location information corresponding to an appropriate one of the access points (see paragraph 12, *describing how APs are arranged in geographic locations and may provide geographic location information regarding the location*

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of the AP and that the AP transmits the location information to the system so that the user will receive location information from the website (see paragraph 47)); and

localized information database coupled to the location table to provide localized information based on the location information (see paragraph 47, where localized information such as maps of the area or advertisements or services of business or nearby businesses),

wherein the location information is determined at that apparatus based on the location table (see paragraph 47, describing how the KGL website (i.e. KGL web server) determines the access point location and "stored KGL information" correlated with that location to provide the location information, the stored information is considered the table).

Although the system disclosed by Stewart shows substantial features of the claimed invention (discussed above), and shows that an access point can be identified by its MAC ID to look up location information in a database (see paragraph 84) it fails to disclose that the location table includes a plurality of entries having a network address and physical location information corresponding to one of the access points.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Stewart, as evidenced by Brauel.

In an analogous art, Brauel discloses a system for receiving location based services where a wireless device communicates over a plurality of access points to a communication server. Brauel also shows a location table that includes a plurality of entries having a network address and physical location information corresponding to an access point (see Fig. 2, *showing a location table with network addresses (see paragraph 11) corresponding to an access point*).

Given the teaching of Brauel, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Stewart by employing a location table with network addresses corresponding to an access point, such as disclosed by Brauel, in order to identify the access point using its network address and associate the access point address with its location to provide location based services.

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Although the system disclosed by Stewart in view of Brauel shows substantial features of the claimed invention (discussed above), it fails to disclose wherein the localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point .

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Stewart in view of Brauel, as evidenced by Hannah.

In an analogous art, Hannah discloses that wireless network device can obtain their geographical location by triangulating with access points that have precise time information (see Abstract). Hannah further discloses localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point (see column 3, lines 45-50, *where the access points can give their physical location to the server from an initial communication* and see column 2, lines 36-44, *describing how the physical location can be stored as longitude and latitude*).

Given the teaching of Hannah, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Stewart in view of Brauel by employing localized information independent of identification of the specific access point, such as disclosed by Hannah, in order to provide mobile users local information.

[claim 9] *In considering repeating the steps upon an initial communication from each of the access points, it is obvious that once the access point location information is stored in the server that the server can repeat the localized information to other mobile devices using the stored location information.*

As per claims 2,10,15,22,29,36, Stewart in view of Brauel further discloses that the network address is an internet protocol address (see Brauel paragraph 24, *showing that the address is in accordance with whatever communication protocol is used*); since Stewart discloses using an IP network (see paragraph 65), *it is obvious that the address is an internet protocol address*).

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As per claims 3,16,23,37, Brauel further discloses generating an entry in the location table including the network address and the corresponding location information after receiving a first communication from one of the access points (see paragraph 25).

As per claims 4,17,24,38, Stewart further discloses obtaining the corresponding location information from the access point (see paragraph 12, *describing that the access point transmits the location information to the system*).

As per claims 5,18,25,39, Stewart further discloses that the localized information includes one or more of weather, news, traffic information and information regarding nearby points of interest (see paragraph 47 and paragraph 13).

As per claims 6,12,19,26,30,40, Stewart further discloses that the internet site is provided by an internet server (see paragraph 35).

As per claims 7,11,13,20,27,31,41, Stewart further discloses that the internet site is provided by the internet portal (see Fig. 4, *describing how the customer accesses the KGL website (i.e. portal) to receive KGL services (i.e. known geographic location services)* and paragraph 13).

As per claim 32, Stewart further discloses that the location information is a physical location of the access point (see paragraph 34).

As per claim 35, Stewart further discloses that the one or more internet access systems are one or more of a portable computer, a cellular telephone and a personal digital assistant device (see paragraph 41).

Response to Arguments

3. Applicant's arguments filed 3/24/10 have been fully considered but they are not persuasive.

A) Applicant contends that hindsight is being relied on in view of the present claims

In considering A), the Examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only

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knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

B) Applicant contends that Stewart teaches one of a network address or location information but not both.

In considering B), the Examiner relied upon Brauel to teach a location table and physical location attributes of an access point. The Examiner believes this is not hindsight reasoning but rather an obvious extension that could added to the system of Stewart. One of ordinary skill in the art would have found it advantageous to relate a network address to a physical location of an access point to provide location based services depending on the physical location of the access point.

C) Applicant contends that it would not be obvious for each entry to be made upon an initial communication from an access point.

In considering C), the Examiner respectfully disagrees. The Examiner believes that it would be obvious to generate the locations of the access points upon initial communication of the access points much like a DHCP server would allocate an IP address automatically upon initial communication of a network device. Furthermore Brauel discloses that the location information is associated with an access point address and it's physical location (see paragraph 25), making it obvious to generate a location table corresponding to the network address and location of the access point upon an initial communication from the access points.

D) Applicant contends that Stewart Brauel and Hannah does not disclose localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point.

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In considering A), the Examiner respectfully disagrees. The localized information was taught by Stewart. The association of access points and their physical location was taught by Brauel and Hannah. Hannah further teaches that the location information can be stored from the access point onto a server (see column 35-42). This can be used to offer localized information independent of the identification of the access point because the information about the access point has already been stored previously.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Primary Examiner
Art Unit 2453

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Primary Examiner, Art Unit 2453
6/8/10